
Introduced by Senator Block

February 19, 2015

An act to add and repeal Section 1203.35 of the Penal Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

SB 266, as introduced, Block. Probation and mandatory supervision: flash incarceration.

Existing law authorizes probation and mandatory supervision, which in each case is a period of time when a defendant is released from incarceration and is subject to specified conditions and supervision by county probation authorities.

This bill would, until January 1, 2021, authorize the use of flash incarceration, as defined, to detain the offender in county jail for not more than 10 days for a violation of his or her conditions of probation or mandatory supervision, as specified. These provisions would not apply to persons convicted of certain drug possession offenses.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1203.35 is added to the Penal Code, to
- 2 read:
- 3 1203.35. (a) In any case where the court grants probation or
- 4 imposes a sentence that includes mandatory supervision, the court
- 5 shall authorize the county probation officer to use flash
- 6 incarceration for any violation of the conditions of probation or
- 7 mandatory supervision, if, at the time of granting probation or

1 ordering mandatory supervision, the court obtains from the
2 defendant a waiver to a court hearing prior to the imposition of a
3 period of flash incarceration. The waiver shall authorize the
4 probation officer, if the person on probation or mandatory
5 supervision does not agree to accept a recommended period of
6 flash incarceration upon a finding of a violation, to address the
7 alleged violation by filing a declaration or revocation request with
8 the court.

9 (b) For purposes of this section, “flash incarceration” is a period
10 of detention in a county jail due to a violation of an offender’s
11 conditions of probation or mandatory supervision. The length of
12 the detention period may range between one and 10 consecutive
13 days. Shorter, but if necessary more frequent, periods of detention
14 for violations of an offender’s conditions of probation or mandatory
15 supervision shall appropriately punish an offender while preventing
16 the disruption in a work or home establishment that typically arises
17 from longer periods of detention.

18 (c) This section shall not apply to any defendant sentenced
19 pursuant to Section 1210.1.

20 (d) This section shall remain in effect only until January 1, 2021,
21 and as of that date is repealed, unless a later enacted statute, that
22 is enacted before January 1, 2021, deletes or extends that date.